

## **MINUTES**

**CITY OF WARR ACRES  
REGULAR CITY COUNCIL MEETING  
TUESDAY  
OCTOBER 5, 2004  
7:00 P.M.**

1. The meeting was called to order at 7:00 p.m. Declaration of a quorum present was given. The Flag salute was lead by Joseph Wise from Scout Troop #191 and the Invocation was given by Mayor Tardibono.

### **ROLL CALL**

#### **PRESENT**

Mayor Marietta Tardibono  
Vice-Mayor Tom Smith  
Councilman Jimmy Alexander  
Councilman Mike Gossman  
Councilman Bob Wehba  
Councilman Justin Frisbie  
Councilman Barry Curl  
Councilwoman Nancy Olson

#### **ABSENT**

Councilwoman Leslie Owens

### **DEPARTMENT HEADS AND CONSULTANTS PRESENT**

Pamela McDowell-Ramirez, City Clerk  
Roger Patty, Police Chief  
Rob Carter, Acting Fire Chief  
Mike Turman, City Inspector  
Bob Jernigan, City Attorney  
Scott Barrett, City Engineer

2. Questions and Comments from Warr Acres Residents.

Jessie Simmons cautioned the council on a possible K-9 unit. He stated that years ago when the city had a K-9 unit and there were many problems. He suggested that before a unit is set up that there be agreements with the handler of the dog and an agreement with the FOP. Councilman Wehba stated that when the item is discussed he will have more information for the council.

Councilman Wehba spoke as a resident and stated that the audio system that the city paid \$11,000 for did not fix the sound issue that people had when they watch the meetings from home. He stated that he understood that Darryl Goodman had been working on the sound but he did not believe it was Darryl's place to make

adjustments and that the vendor needed to come out and fix the problem. Darryl told the Council that the feed to Cox was at a low level. He stated that the new system gave a better picture and the audio was better for recording however, the amperage to Cox was not changed. The new microphones corrected the quality but not the volume. Councilman Wehba again stated that if it does not work then the contractor needs to come back and fix it.

3. Presentation of 15 year service pin to Lt. Matt Berger.

The Mayor stated that Lt. Berger is at school and she will present him his pin at the October 19<sup>th</sup> meeting.

4. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #5.
  - A. Approval of Minutes – Regular City Council Meeting of September 7, 2004 and September 21, 2004.
  - B. Approval of Expenditures – General Fund \$51,813.01
  - C. Approval of Proposed Expenditures for October 2004.
  - D. Sales Tax History Report.
  - E. Receive Planning Commission minutes for September 14, 2004. (Not yet approved by the Planning Commission)
  - F. Receive Traffic Commission minutes for September 16, 2004. (Not yet approved by the Traffic Commission)
  - G. Approve recommendation from the Traffic Commission concerning combining the two school zones for Putnam City High School and St. Charles Catholic School on NW 50<sup>th</sup> into one zone, with the times being 7:15 AM to 8:30 AM and 2:45 PM to 3:45 PM.
  - H. Approve the recommendation from the Traffic Commission concerning changing of the “No Parking Anytime” signs to “No parking Stopping or Standing” signs on both sides of Ann Arbor, adjacent to Putnam City High School.

Councilman Curl asked that item G be pulled for discussion.

Motion by Curl, second by Alexander to approve the remaining items on the Consent Docket. Poll vote: Alexander, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

5. Discussion and possible action on items removed from the consent docket.

Councilman Curl stated that he wanted Chief Patty to explain the recommendation for the record. Chief Patty stated that years ago the school zone on 50<sup>th</sup> was one long zone from west of Grove to east of Putnam City High

School and that by making it one continuous zone again would make the traffic flow easier. They are setting new times on the zone to cover both schools and it only extends the zone a little. He stated that during after hour school activities the zone by the High School will be the only one in affect. Councilman Wehba asked if the city owns the flashing signs on both sides of the street. Chief Patty stated that he did not know. If the city owns them it was asked if one could be moved to Ann Arbor. Councilman Alexander stated that coming off of Ann Arbor on to 50<sup>th</sup> there is no indication you are in a school zone. Chief Patty stated that he and Johnny Dickson were working on getting signs posted at the intersection to inform the public of the school zone. Councilman Curl stated that there also needed to be signs at Grove because the same problem exists. Resident Tommy Pike stated that the signs belonged to the Department of Public Safety. But if they are able to move one the city should put it at 42<sup>nd</sup> and Ann Arbor to replace the one that disappeared during Ann Arbor construction.

Motion by Wehba, second by Curl to approve item G. Poll vote: Alexander, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

6. Receive reports from Staff: Police, Fire, City Clerk, City Inspector, Street, Sanitation, Sewer, City Engineer, City Planner.

Chief Patty-said that there are programs in place for battered women to receive cell phones and that even without a service plan they are able to call 911. He said that the police department would take donations of cell phones with chargers and would see that the program receives the phones. Chief Patty updated the council on his situation with Dispatchers. He told them that his two newest Dispatchers are doing well, however, they are not yet on their own and this past Saturday there was an emergency with one of the full time Dispatchers and he had to leave. Another Dispatcher was called in to cover the shift and on the way in was involved in an accident and now is also out. Thankfully, Darryl Goodman was working as a Reserve Officer and stepped in and covered in dispatch, many thanks to him. Chief Patty stated that he has covered the shifts and he has other Dispatchers working 12 hour shifts to cover.

Mayor Tardibono-read a letter commending Darryl Goodman and the work he does in Animal Control from Carrie Myers.

Chief Carter-thanked everyone for the support during the recent passing of his father.

Mayor Tardibono-read a letter commending Officer Greenwood, Fire Captain Kenny Koger, Don Smith, Jackie Ames, Jason Hartpence and Steven Coy from Mr. Mike Boatman on their response to his call concerning his three year old son.

Clerk Ramirez-told the council that she had prepared and given them a budget report that showed spending for each department by individual months and a quarterly total. A budget review meeting was set for October 11, 2004 at 7:00 p.m.

Sewer Supervisor Brad Seale-updated the council concerning deodorizer blocks and the cost and length of performance. He stated that Mr. Straughn had given him a sample that sells for \$439 but had told him he would sell it for \$100. Mr. Seale stated that it was not long lasting and the cost was too much. He said that he had found another company that had a similar product that cost \$70 for a 20lb block and provided longer performance. He told the council that he would monitor it and give a report at the next meeting.

City Engineer Scott Barrett-gave the council and update on the MacArthur Project stating that ONG had finished their work and that OKC was beginning theirs. He stated that he had found the appropriate sign for the Twin Lakes and MacArthur intersection and it is a diamond shaped sign with an offset intersection symbol on it. He stated that he would get with Street Supervisor Dickson concerning the signs. Concerning the water meters and sidewalks on Ann Arbor he had made several calls but had not gotten in touch with the appropriate people yet. Councilman Wehba stated that some of the problem had been taken care of by our own Street department. Councilman Wehba also questioned the beautiful brick driveway on MacArthur and what would happen to it when the project starts. Mr. Barrett stated that it will be replaced with the usual concrete back to the right of way. Councilman Wehba stated that someone needed to call the owner and explain this. Councilman Wehba said that no matter how long it takes he is not going to forget that at 41<sup>st</sup> and Ann Arbor there was to be sod laid.

7. Discussion and possible action on paying ODOT \$6,400 for the City's commitment for Intersection Modification and Traffic Signal Upgrade at the intersection of SH-3 & MacArthur Blvd. and approving Resolution # 403 the agreement to paid the city portion of \$6,400.

Bob Jernigan stated that the Resolution amended the former Resolution on this project from \$2,400 to \$6,400. Councilman Alexander wanted clarification on what the city was getting for the money. Mr. Barrett explained that originally the project only called for the modification of the median. However, with the modification the traffic loops must be moved which is the difference in the cost. Councilman Curl asked if this signal was not in an agreement with OKC which provided that OKC would maintain the signal light. Councilman Wehba agreed with Councilman Curl that he to believed that there was an agreement with OKC to maintain the signal light. Bob Jernigan stated that he believed that the agreement was concerning synchronization of the lights all along NW Highway. The staff was asked to find a copy of the agreement. Mr. Barrett stated that this project really was a part of an ODOT project and really did not pertain to the maintenance of the signal.

Motion by Curl, second by Alexander to approve the Resolution and pay the \$6,400. Poll vote: Alexander, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

8. A. Discussion and possible action on Ordinance #999 amending certain Police fines.

Bob Jernigan stated that the State Law goes into affect on November 1<sup>st</sup> and that the council could wait to approve Ordinance #999 or amend Ordinance #999 to stated that the affective date is November 1, 2004.

Motion by Wehba, second by Gossman to amend Ordinance #999 making the affective date November 1, 2004 and approve Ordinance #999. Poll vote: Alexander, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

- B. Approval of Emergency Clause on Ordinance #999.

Motion by Wehba, second by Gossman to approve the emergency clause. Poll vote: Alexander, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, nay; Smith, yea; Olson, yea; and Tardibono, yea.

**Motion Passed.**

9. A. Discussion and possible action on Ordinance #1000 amending certain Animal Control codes.

Motion by Wehba, second by Alexander to approve Ordinance #1000. Poll vote: Alexander, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, nay; Olson, yea; and Tardibono, yea.

**Motion Passed.**

- B. Approval of Emergency Clause on Ordinance #1000.

Motion by Wehba, second by Frisbie to approve the emergency clause. Poll vote: Alexander, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, nay; Olson, yea; and Tardibono, yea.

**Motion Passed.**

10. Discussion and possible action to fill the Ward I, Traffic Commission seat vacated by Mr. Stuart Chai who is moving from Warr Acres. Term to expire March 2005.

The Mayor stated that she had spoken with Jo Ann Johnson and she would agree to serve on the Traffic Commission.

Motion by Frisbie, second by Curl to nominate Jo Ann Johnson for the Ward I, Traffic Commission seat. Poll vote: Alexander, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

Councilman Curl stated that Mr. Chai would be greatly missed.

11. Final Public Hearing, Discussion and possible action on a sign variance for Wonder Bread located at 5800 NW 63<sup>rd</sup> for a pole sign that exceeds the maximum allowed size.

Inspector Turman stated that this sign was in C-3 zoning and the maximum size is 200 sq ft per side. The applicant proposes a sign that is 240 sq ft per side. The sign will have space for multiple businesses and would have a minimal impact on the area. The sign will be placed just west of where the current sign is located.

Motion by Curl, second by Frisbie to close the public hearing. Poll vote: Alexander, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

Motion by Gossman, second by Olson to approve the sign variance. Poll vote: Alexander, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

12. Discussion and possible action on starting a K-9 unit.

Chief Patty told the council that there were some issues that needed to be worked out and that there would be a written agreement between the handler, city and FOP so that problems like those of the past did not come into play again. He stated that everyone knows the law now which is much different than the past situation. He stated that he was working with Tony Puckett on how to handle the pay for the handler. He told the council that they had already obtained several donations for the K-9 unit and would be eligible for a grant.

Motion by Wehba, second by Gossman to approve proceeding with the process to set up a K-9 unit with an agreement to be worked out and brought back to the council for approval. Poll vote: Alexander, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

13. Discussion and possible action on approving the Oklahoma County Mitigation Plan.

Chief Carter stated that over the last several months he has worked with the county and other metro cities on the Mitigation Plan for the county. He said that if the city were to do their own plan it would have been a large expense and with all the communities working together the only cost to the city was his time. He stated that the Mitigation Plan for Warr Acres is the 33<sup>rd</sup> and Hammond drainage area and that if the city wanted to change it they could.

Motion by Wehba, second by Gossman to approve the Mitigation Plan. Poll vote: Alexander, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

14. Questions and comments from Council members.

Bob Jernigan-stated that there had been a question on the Traffic Commission appointments and if the Mayor could make the appointment. He stated that the Traffic Commission is appointed by the Mayor with the approval of the council.

Councilman Curl-stated that since all the other cities in the metro were having Halloween Trick-or-Treat on October 30<sup>th</sup> Warr Acres should also have it that night. He stated that the school zone sign at 39<sup>th</sup> and MacArthur needed to have the bottom light lowered because as you come up the hill heading north it is not in the sight line. He also stated that if anyone knew the owners of the properties where Moe's is located and the owners of the property with Pizza Inn an agreement should be made to open up a drive between the two so that everyone could use the light at 49<sup>th</sup> to exit the parking lots.

Mayor Tardibono-reminded everyone that Wednesday the 6<sup>th</sup> would start the first of the big trash pick up days.

15. Any Old or New Business ("New Business" is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda of a ("surprise nature")).

**Moot.**

16. Discussion and possible action on contract and negotiations with International Association of Firefighters Local 2374 and the City of Warr Acres, including discussion and action on entering into Executive Session as allowed under 25 O.S. Supp. 307 (B) (2), Discussing negotiations concerning employees and representatives of employee groups.

Motion by Frisbie, second by Gossman to enter into executive session with Chief Carter to stay. Poll vote: Alexander, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

The Council entered into executive session at 8:32 p.m.

The Council returned to open session at 8:35 p.m. **WITH NO ACTION TAKEN.**

Motion by Frisbie, second by Olson to approve the IAFF 2004-2005 contract with the 2% increase retro to July 1, 2004. Poll vote: Alexander, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

17. Adjournment.

Motion by Wehba, second by Smith to adjourn the meeting. The meeting was adjourned at 8:38 p.m. by acclamation.

Respectfully submitted,

Pamela McDowell-Ramirez  
City Clerk



## **MINUTES**

**CITY OF WARR ACRES  
PUBLIC WORKS AUTHORITY MEETING  
TUESDAY  
OCTOBER 5, 2004  
7:00 p.m.**

1. The meeting was called to order at 8:38 p.m. Declaration of a quorum present was given.

### **ROLL CALL**

#### **PRESENT**

Chairwoman Marietta Tardibono  
Vice-Chair Tom Smith  
Trustee Justin Frisbie  
Trustee Barry Curl  
Trustee Jimmy Alexander  
Trustee Mike Gossman  
Trustee Bob Wehba  
Trustee Nancy Olson

#### **ABSENT**

Trustee Leslie Owens

2. Approve the minutes of the Regular Warr Acres Public Works Authority Meeting of September 7, 2004.

Motion by Wehba, second by Alexander to approve the minutes. Poll vote: Alexander, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

#### **Motion Passed Unanimously.**

3. Approve payment of claim in the amount of \$54,873.45 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of September, 2004.

Motion by Smith, second by Gossman to approve the payment of the claim. Poll vote: Alexander, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

#### **Motion Passed Unanimously.**

4. Adjournment.

Motion by Curl, second by Frisbie to adjourn. The meeting was adjourned at 8:40 p.m. by acclamation.

Respectfully submitted,

Pamela McDowell-Ramirez  
City Clerk